

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alastair J.T. CLEMOW et al.
Title: MODULAR FEMORAL COMPONENT FOR A
TOTAL KNEE JOINT REPLACEMENT FOR
MINIMALLY INVASIVE IMPLANTATION
Appl. No.: 10/532,409
International Filing Date: 10/23/2003
371(c) Date:
Patent No.: 7799084
Grant Date: 9/12/2010
Examiner: David C. Comstock
Art Unit: 3733
Confirmation Number: 9135

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR
PATENT UNDER 37 C.F.R. §1.705(d)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have calculated PTA for the captioned patent and have determined that the patent is entitled to 1177 days of Patent Term Adjustment, as shown on the attached sheet, which shows the relevant delays under 37 CFR §§1.702, 1.703 and 1.704:

(a) Total PTO delay: 1198 days

(b) Total Applicant delay: 21 days

Final PTA Determination under 37 CFR §1.703(f): 1177 days

In accordance with 1.705(b)(2)(ii), the relevant dates as specified in §§1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled are clearly represented in the attached PTA Calculation.

The relevant dates where the applicant is not in agreement with the PTO's determination are discussed in more detail below.

In accordance with 37 CFR. 1.702(b) and 35 U.S.C. 154(b)(1)(B) the three year patent term adjustment period should be calculated from the "actual filing date", i.e. April 23, 2005, to the date of issuance September 21, 2010. The three year period begins at the "actual filing date" which is defined as the date the national stage commenced under 35 U.S.C. 371(b).

In accordance with §1.705(b)(2)(iv)(A), the circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704 are clearly represented in the attached PTA Calculation.

Applicants therefore respectfully request that the patent be accorded 1177 days PTA.

A credit card payment form in the amount of \$200.00 to cover the fee stated in 37 C.F.R. § 1.18(e) is enclosed for this request.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. § 1.705, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

However, because this PTA error is due to a Patent Office error in interpreting and applying the PTA statute, a refund of the fee is respectfully requested.

Respectfully submitted,

Date November 11, 2010

By 

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Patent Term Adjustment Calculation System

Add a new event to this case

Docket Number: 051892-0113
 Application Number: 10/532409
 Patent Number: N/A

| | Event Description | Event Date | Days from Filing | PTO Days | Applicant Days |
|-------------|--|------------|------------------|----------|----------------|
| Edit Delete | Priority Date | 10/23/2002 | -913 | | |
| Edit Delete | International Filing Date | 10/23/2003 | -548 | | |
| | PCT National Stage Commencement Date | 04/23/2005 | 0 | | |
| Edit Delete | Notice of Missing Requirements | 07/26/2005 | 94 | | |
| Edit Delete | National Stage Entry (All 371(c) & (f) Requirements Met) | 09/26/2005 | 156 | | |
| Edit Delete | Response to Notice of Missing Requirements | 09/26/2005 | 156 | | |
| | 14 month From Application date | 11/26/2006 | 582 | | |
| Edit Delete | Non-Final Office Action | 10/09/2007 | 899 | 317 | |
| Edit Delete | Non-Final Office Action Rsp. Rcv'd at PTO | 01/09/2008 | 991 | | |
| | 3 Year Period Starts | 04/23/2008 | 1,096 | | |
| Edit Delete | Final Office Action | 04/30/2008 | 1,103 | | |
| Edit Delete | Final Office Action Response Received at PTO | 07/30/2008 | 1,194 | | |
| | Final Office Action Rsp. Rcv'd at PTO + 4 mo. | 11/30/2008 | 1,317 | | |
| Edit Delete | Restriction Requirement | 12/24/2008 | 1,341 | (24) | |
| Edit Delete | Restriction Requirement Response Received at PTO | 01/22/2009 | 1,370 | | |
| Edit Delete | IDS under 1.704(c)(8) filed at PTO | 02/12/2009 | 1,391 | | 21 |
| Edit Delete | Non-Final Office Action | 05/11/2009 | 1,479 | | |
| Edit Delete | Non-Final Office Action Rsp. Rcv'd at PTO | 08/06/2009 | 1,566 | | |
| | Non-Final Office Action Rsp. Rcv'd at PTO + 4 mo | 12/06/2009 | 1,688 | | |
| Edit Delete | Final Office Action | 01/21/2010 | 1,734 | (46) | |
| Edit Delete | Final Office Action Response Received at PTO | 04/21/2010 | 1,824 | | |
| Edit Delete | Notice of Allowance | 05/13/2010 | 1,846 | | |
| Edit Delete | Issue Fee Paid | 08/12/2010 | 1,937 | | |
| Edit Delete | Patent Grant Date | 09/21/2010 | 1,977 | 881 | |
| | | | Totals: | 1,198 | 21 |
| | | | PTA: | 1,177 | |

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Version: 3.02.10

LOGIN: Brittany L. Stevenson

IP: 10.99.202.49

Foley & Lardner LLP